

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x CV-12-0006 (ARR-VVP)
EVA GROSZ,

Plaintiff

-against-

ANSWER

FCI LENDER SERVICES, INC.,

Defendant.
-----x

Defendant, answering plaintiff's complaint, by its attorney, states:

1. Admits that plaintiffs commenced this action to obtain redress for alleged violation of 15 U.S.C. Section 1692, *et seq* (FDCPA)., but denies that it violated any provision of said Act.
2. Admits.
3. Defendant denies that any act or transaction gave rise to any cause of action and denies knowledge or information as to plaintiff's residence.
4. Denies knowledge or information as to defendant's residence.
5. Admits that plaintiff is a consumer within the meaning of 15 U.S.C. Section 1692(a)(3).
6. Admits that defendant is an active California corporation, but denies that it violated the FDCPA.

7. Admits that it is engaged in the collection of debts, but cannot answer whether it “regularly engages” in the collection of debts, as understood by plaintiff. To the extent that a response is required to this allegation, defendant denies knowledge or information sufficient to form a belief as to plaintiff’s understanding of the phrase “regularly engages.”
8. Defendant leaves questions of law to the Court. To the extent that a response is required to this allegation, defendant denies knowledge or information sufficient to form a belief as to the truth of this allegation.
9. Admits.
10. Defendant is unable to identify what communications plaintiff is referring to. To the extent that a response is required to this allegation, defendant denies knowledge or information sufficient to form a belief as to the truth of this allegation.
11. Admits that plaintiff has commenced this action based on the allegations set forth in this paragraph.
12. Denies.
13. Denies knowledge or information as to whether joinder of all members of the putative Class is impracticable, but denies that any person has received debt collections notices and/or voicemails from defendant which violate any

provisions of the FDCPA.

14. Denies that there are any questions of law or fact which evidence a violation of the FDCPA by defendant or that anyone has been injured or sustained damages as a result of defendant's conduct.
15. Denies that plaintiff or any members of the putative Class have any claims against defendant. Upon information and belief, the interests of the plaintiff are adverse or antagonistic to the interest of other members of the putative Class.
16. Denies.
17. Denies.
18. Denies.
19. Denies.
20. Defendant incorporates the responses made heretofore as if fully set forth herein.
21. Admits that the letter annexed as Exhibit A to the complaint was sent to plaintiff by defendant, but denies knowledge or information sufficient to form a belief as to plaintiff's understanding of the phrase "form letter."
22. Defendant leaves questions of law to the Court. To the extent that a response

is required, defendant denies knowledge or information sufficient to form a belief as to the allegations of this paragraph.

23. Denies.

24. Denies.

25. Denies.

FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to allege facts sufficient to state a cause of action.

SECOND AFFIRMATIVE DEFENSE

Plaintiff may not maintain a Class Action because she has not alleged, nor can she prove, that the provisions of F.R.Civ.P 23(b)(1) have or can be satisfied.

THIRD AFFIRMATIVE DEFENSE

Plaintiff may not maintain a Class Action because she has not alleged, nor can she prove, that the provisions of F.R.Civ.P 23(b)(2) have or can be satisfied.

FOURTH AFFIRMATIVE DEFENSE

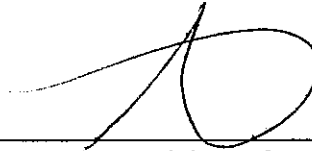
This action is frivolous within the meaning of F.R.Civ. P. 11.

WHEREFORE, defendant demands Judgment

- a. denying Class Certification;
- b. dismissing the action; and

c. imposing sanctions, including attorney's fees, pursuant to

F.R.Civ.P. 11

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a loop and a horizontal stroke.

SOLOMON ROSENGARTEN (SR-8050)

Attorney for Defendant

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